



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/967,052	09/28/2001	Kenneth L. Oakeson	10010793-1	4826

7390

03/03/2005

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

PEREZ DAPLE, AARON C

ART UNIT

PAPER NUMBER

2154

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/967,052

Applicant(s)

OAKESON ET AL.

Examiner

Aaron C. Perez-Daple

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 18-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Action is in response to Response filed 2/14/05.
2. Claims 1-11 and 18-23 are presented for examination.
3. Claims 12-17, 24, and 25 have been withdrawn as subject to a restriction requirement.
4. This Action is non-Final.

Election/Restrictions

5. Applicant's election without traverse of Group 1, claims 1-11 and 18-23, in the reply filed on 2/14/05 is acknowledged.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
7. **Claims 7-8** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, line 9 of claim 7 recites, "receiving a message containing at least one unique identifier." It is not clear if the recited "at least one unique identifier" is the same as the "at least one unique identifier" previously recited in lines 4-8. For the purpose of applying prior art, the Examiner interprets that it may be either the same or a different identifier.
8. As a dependent claim, claim 8 suffers from the same deficiencies as claim 7.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. **Claims 1-11 and 18-23** are rejected under 35 U.S.C. 102(e) as being anticipated by

Shteyn et al. (US 6,782,253 B1) (hereinafter Shteyn).

11. As for claims 1, 4 and 7, Shteyn discloses one or more computer-readable media having computer-readable instructions thereon which, when executed by one or more processors, cause the one or more processors to:

associate at least one unique identifier with at least one location (col. 10, lines 11-33; see also col. 1, lines 46-55);

associate one or more device or service with said at least one unique identifier (col. 10, lines 11-33; see also col. 1, lines 52-55); and

provide an indication of said one or more device or service that are associated with said at least one unique identifier by:

receiving a message containing at least one unique identifier (col. 3, lines 1-16; col. 10, lines 11-21; see also col. 1, lines 52-55);

ascertaining said one or more device or service based upon said at least one unique identifier (col. 3, lines 47-50; col. 10, lines 11-33 ; see also col. 1, lines 52-58); and

replying to a sender of the message with a list of available devices or services for a location corresponding to said at least one unique identifier (col. 10, lines 11-25; see also col. 1, lines 55-58).

12. As for claim 2, Shteyn discloses the method of claim 1, wherein associating said one or more device or service comprises associating multiple devices or services with said at least one unique identifier (col. 7, lines 33-54; col. 10, lines 11-25).
13. As for claim 3, Shteyn discloses the method of claim 2, said associating multiple devices or services with said at least one unique identifier comprises associating multiple different devices or services with said at least one unique identifier (col. 7, lines 33-54; col. 10, lines 11-25).
14. As for claim 5, Shteyn discloses the method of claim 4, wherein said acts of receiving and replying are accomplished via a network (Fig. 1).
15. As for claim 6, Shteyn discloses the method of claim 4, wherein said acts of receiving and replying are accomplished via the Internet (col. 7, lines 30-32).
16. As for claim 8, Shteyn discloses a server embodying the one or more computer-readable media of claim 7 (server 116, Fig. 2; see also col. 1, lines 45-48).
17. As for claim 9, Shteyn discloses a method of discovering local devices or services comprising:

associating multiple unique identifiers with multiple related locations, each related location having a unique identifier (col. 10, lines 11-33; see also col. 1, lines 46-55);

associating one or more device or service with one or more of the unique identifiers, the one or more device or service being accessible from a location that corresponds to a unique identifier (col. 10, lines 11-33; see also col. 1, lines 46-55);

receiving a message from a client device that contains a unique identifier of one or more of the locations (col. 10, lines 11-21; see also col. 1, lines 52-55);

ascertaining from said unique identifier any devices or services that are associated with a location that corresponds to said unique identifier (col. 3, lines 47-50; col. 10, lines 11-21; see also col. 1, lines 52-55); and

replying to said client device with a list of available devices or services for the location (col. 10, lines 11-25; see also col. 1, lines 46-55).

18. As for claim 10, Shteyn discloses the method of claim 9, wherein said acts of receiving and replying are accomplished via a network (Fig. 1).

19. As for claim 11, Shteyn discloses the method of claim 9, wherein said acts of receiving and replying are accomplished via the Internet (col. 7, lines 30-32).

20. As for claims 18 and 22, Shteyn discloses a method and system of discovering local devices comprising:

acquiring a unique identifier that is associated with a location for which one or more corresponding devices or services are desired to be discovered (col. 3, lines 47-50; col. 10, lines 11-33 ; see also col. 1, lines 52-58);

sending a message containing the unique identifier over a network and to an entity from which the devices or services can be discovered (col. 10, lines 11-25; see also col. 1, lines 55-58); and

Art Unit: 2154

receiving a reply from the entity, the reply containing a list of available devices or services for the location (col. 10, lines 11-25; see also col. 1, lines 55-58).

21. As for claim 19, Shteyn discloses the method of claim 18, wherein said acquiring comprises receiving manually entered data comprising the unique identifier (considered inherent to normal use of the web-enabled client device disclosed by Shteyn, such as by entering a url; see also, col. 1, lines 19-34).
22. As for claim 20, Shteyn discloses the method of claim 18, wherein said acquiring comprises automatically acquiring the unique identifier with the client device (col. 10, lines 11-25; see also col. 1, lines 55-58).
23. As for claim 21, Shteyn discloses the method of claim 18, wherein said acts of sending and receiving comprise doing so via the Internet (col. 7, lines 30-32).
24. As for claim 23, Shteyn discloses a client device embodying the one or more computer-readable media of claim 22 (mobile phone 108, Fig. 1).

Conclusion

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US 6,772,213 B2, note database details;

US 6,697,018 B2, note Fig. 1 and abstract;

US 6,816,735 B1, note cols. 3-4;

US 6,456,852 B2, note col. 2, lines 9-23;


US 6,115,754, note abstract.

Art Unit: 2154

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron C Perez-Daple whose telephone number is (571) 272-3974. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 4/24/05

Aaron Perez-Daple

